

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**(703) 746-4000**

or **Fax**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance-fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 09/08/2004

A. Sidney Johnson  
 Cesari and McKenna, LLP  
 88 Black Falcon Avenue  
 Boston, MA 02210



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission Express**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for ~~regular~~ **Express** mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

<b>Stephanie Mannino</b>	(Depositor's name)
<i>Stephanie Mannino</i>	(Signature)
<b>November 18, 2004</b>	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/027,909	12/21/2001	Steven R. Klinkner	112056-0011	9927
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TITLE OF INVENTION: SYSTEM AND METHOD FOR PRE-SELECTING CANDIDATE DISKS BASED ON VALIDITY FOR VOLUME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional	NO	\$1330	\$0	\$1330	12/08/2004
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EXAMINER	ART UNIT	CLASS-SUBCLASS
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ELLIS, KEVIN L	2188	711-170000
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1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

**1 Cesari and McKenna, LLP**

**2 A. Sydney Johnston**

**3**

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

**Network Appliance, Inc.**

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

**Sunnyvale, California**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number **03-1237** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*A. Sydney Johnston*

Date **November 18, 2004**

Typed or printed name

**A. Sydney Johnston**

Registration No.

**29,548**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

11/22/2004 ZJUWAR2 00000011 10027909

01 FEB 2005 (Rev. 08/04) Approved for use through 04/30/2007.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims Small Entity Status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,370

Complete if Known

Application Number 10/027,909  
Filing Date December 21, 2001  
First Named Inventor Steven R. Klinkner  
Examiner Name Ellis, Kevin L.  
Group Art Unit 2188  
Attorney Docket No. 112056-0011

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number 03-1237

Deposit Account Name Cesari and McKenna, LLP

The Commissioner is authorized to: (check all that apply)  
Charge any deficiency or

☐ Charge fee indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		20**		0		0	
Multiple Dependent		3**		0		0	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	0

\*\*or number previously paid, if greater; For Reissues, see below

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English Specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920	1804	920	Requesting publication of SIR prior to Examiner action	
1805	1,840	1805	1,840	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility Issue fee (or reissue)	1,370
1502	490	2502	245	Design Issue fee	
1503	660	2503	330	Plant Issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
Other fee (specify)					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$)
					1,370

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type) A. Sidney Johnston

Registration No. 29,548  
(Attorney/Agent)

Telephone (617) 951-2500

Signature

*A. Sidney Johnston*

Date November 18, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the



PATENTS  
112056-0011  
P01-1079

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of:	)	
Steven R. Klinkner	)	
	)	
Serial No.: 10/027,909	)	Examiner: Ellis, Kevin L.
	)	
Filed: December 21, 2001	)	
	)	Art Unit: 2188
For: SYSTEM AND METHOD FOR	)	
PRE-SELECTING CANDIDATE	)	
DISKS BASED ON VALIDITY	)	
FOR VOLUME	)	
		Cesari and McKenna, LLP
		88 Black Falcon Avenue
		Boston, MA 02210
		November 18, 2004

**EXPRESS-MAIL DEPOSIT**

"Express Mail" Mailing-Label Number: EV 335591774 US

The following papers are being deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service pursuant to 37 C.F.R. §1.10:

<u>X</u> Fee Transmittal Letter	<u>X</u> Check No. <u>29557</u> for \$1,370
<u>X</u> Issue Fee Transmittal (Part B)	<u>X</u> Issue Fee Transmittal Letter
<u>X</u> Return Request Postcard	



PATENTS  
112056-0011  
P01-1079

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of:	)	
Steven R. Klinkner	)	
	)	Confirmation No.: 9927
Serial No.: 10/027,909	)	
	)	
Filed: December 21, 2001	)	Examiner: Ellis, Kevin L.
	)	
For: SYSTEM AND METHOD FOR	)	
PRE-SELECTING CANDIDATE	)	Art Unit: 2188
DISKS BASED ON VALIDITY	)	
FOR VOLUME	)	

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
November 18, 2004

“Express Mail” Mailing-Label Number: EV 335591774 US

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ISSUE-FEE TRANSMITTAL**

In response to the Notice of Allowance and Issue Fee Due mailed November 18, 2004, for the above-identified application, enclosed are the following documents:


- Issue Fee Transmittal Form PTOL-85b;
- Fee Transmittal Letter; and
- a check for \$1370 to cover the issue fee.

PATENTS  
112056-0011  
P01-1079

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

  
A. Sidney Johnston  
Reg. No. 29,548  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500